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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 AT TACOMA

11 ANTOLIN ANDREW MARKS,

12 Plaintiff,

13 v.

14 JOHN P. TORRES *et al.*,

15 Defendants.

Case No. C08-5647FDB

ORDER ADOPTING REPORT AND  
RECOMMENDATION DISMISSING  
ACTION AS FRIVOLOUS AND  
MALICIOUS


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17 The Magistrate Judge recommends that this “Suit for an Injunction: Denial of Due Process  
18 Guaranteed by the Fifth Amendment and Under the Privacy Act and the FOIA” be dismissed with  
19 prejudice as both frivolous and malicious. Plaintiff has filed an objection of which this Court finds  
20 unpersuasive and a continuation of Plaintiff’s malicious and untenable claims.

21 The Court, having reviewed Plaintiffs’ Complaint, the Report and Recommendation of  
22 Magistrate Judge J. Kelley Arnold, objections to the Report and Recommendation, and the  
23 remaining record, does hereby find and ORDER:

- 24 (1) The Court adopts the Report and Recommendation;
- 25 (2) On its face this action is frivolous as Plaintiff has no constitutional right to send out  
mass mailings at public expense. Plaintiff asked to mail 285 letters to Congress.
- 26 (3) This action is also malicious as Plaintiff has repeatedly litigated the issue and  
27 maintained the same issue in multiple jurisdictions. Plaintiff’s pattern of litigation is  
28 harassing and vexatious.

- 1 (4) Plaintiff is cautioned that further abuses may result in further sanctions such as costs  
2 or attorneys fees.  
3 (5) The Clerk is directed to send copies of this Order to Plaintiff, counsel  
4 for Defendants, and to the Hon. J. Kelley Arnold.

5 DATED this 27<sup>th</sup> day of February, 2009.

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9 FRANKLIN D. BURGESS  
10 UNITED STATES DISTRICT JUDGE  
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